

EMERGENCY MEDICAL SERVICES AUTHORITY1930 9th STREET

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May 12, 2008

The Honorable Mary Hayashi
California State Assembly
P. O. Box 942849
Sacramento, CA 94249-0018

Subject: AB 2130/ Automated External Defibrillators: Health Studios

Dear Assembly Member Hayashi:

This letter is to advise you that the Emergency Medical Services (EMS) Authority has an **OPPOSE UNLESS AMENDED** position on the April 14, 2008 version of the above bill.

The EMS Authority believes that the language in AB 2130 is inconsistent with the requirements in statute and does not thoroughly address what the non-staffed health clubs and/or health studios will need to do to comply.

- This bill, in its current form, does not address how the entity that acquired the Automated External Defibrillator (AED) will be notified of the AED use during non-staffed hours at the health club or health studio, so that maintenance will be done to ready the device for redeployment. Per the Health & Safety Code, Section 1797.196 (b)(2)(B) the entity that acquires an AED must ensure the following "[t]hat the AED is checked for readiness after each use."

Amend Section 104113 (e)(2) of the Health and Safety Code:

(B) That the automated external defibrillator is checked for readiness after each use and at least once every 30 days if the automated external defibrillator has not been used in the preceding 30 days. Records of these checks shall be maintained. Individuals attending studios listed under subdivision (g) shall notify the health club or health studio within 24 hours of using the device on off-hours, that the AED has been used and that it needs to be checked for readiness.

(E) There is a written plan that exists that describes the procedures to be followed in the event of an emergency that may involve the use of an automated external defibrillator, to ensure compliance with the requirements of this section. The written plan shall include, but not be limited to, immediate notification of 911 and required trained personnel at the start of automated external defibrillator procedures. Health studios listed under subdivision (g) shall have a posted plan on the procedures for emergency response and notification.

- Based on requests for clarification on what exactly constitutes a health studio from the public received by the EMS Authority, we believe that the statute should clearly state that a health club is the same as a health studio, and that payment of a membership fee or a per session fee for use of the facility would require them to fall under the provisions of this bill.

Amend section 104113 (g) of the Health and Safety Code:

(g) Commencing January 1, 2009, a health club and/or health studio that does not maintain one or more personnel on the premises during all hours of operation shall for those hours during which there are no personnel on the premises be exempt from the personnel requirements of this section, but shall provide an automated external defibrillator and all of the following on the premises:

- (1) A telephone for 911 emergency call access.*
- (2) A warning sign posted in plain view that states that persons using the health club and/or health studio should be aware that exercising alone may pose health and safety risks.*
- (3) A sign posted in plain view that provides instruction in cardiopulmonary resuscitation (CPR), and in the use of the automatic external defibrillator.*
- (4) A sign posted in plain view of each entrance that indicates the location of each automated external defibrillator.*

Amend section 104113 (h) of the Health and Safety Code:

(h) For the purposes of this section, "health club" and/or "health studio" means any facility use of its facilities and equipment or access to its facilities and equipment to individuals or groups for physical exercise, body building, reducing, figure development, fitness training, or any other similar purpose on a membership basis or per session fee. "Health club" and/or "health studio" does not include any hotel or similar business that offers fitness facilities to its registered guests for a fee or as part of the hotel charges.

Please contact my Legislative Coordinator, Shirley Tsagris, at 916-322-4336 ext. 428, if you have any questions.

Sincerely,



Daniel R. Smiley
Interim Director

cc: Senate Appropriations Committee
Senate Health Committee
Senate Republican Caucus
Assembly Republican Caucus